

REMARKS

Applicants respectfully request the Examiner to reconsider and again examine the claims in view of the above amendments and the following remarks

In a first Advisory Action dated June 25, 2007, the Examiner indicated that an Amendment filed under 37 C.F.R. §1.116 on June 15, 2007 has not been entered and also has been entered. Applicant's attorney discussed the inconsistency with the Examiner by telephone. The Examiner issued a new Advisory Action dated August 7, 2007 consistently indicating that the amendment has not been entered. Applicants have expressly requested non-entry of the amendment filed June 15, 2007 in a separate submission filed on even date herewith.

Claims 2-6, 8-11, 13, and 15-23 are pending in the application. Claim 5 is allowed. Claims 2-4, 6, 8-11, 13, and 15-23 are rejected. Claims 2, 3, 6, 11, 17, 19, 21, and 23 are amended herein. Claim 13 is also amended herein but not for reasons of patentability but for reasons of clarity, as will be apparent. Claims 24 –27 are new. Claims 7, 12, and 14 were previously canceled.

The specification is amended herein in order to correct a typographical error.

As an initial matter, Applicants note that Claims 12 and 14 were indicated by the Examiner as remaining in the application. However, Claims 12 and 14 (and also Claim 7) were canceled by the Applicants in an Amendment filed March 6, 2007.

Applicant's attorney would like to thank Examiner Stevens for the courtesy extended to Applicant's attorney during the telephone interview on June 5, 2007. The present invention was discussed in view of Pollalis et al. (U.S. Patent number 5,016,170), which is used by the Examiner as the basis for rejections in the present Office action. The rejection of Claim 23 was

discussed. Reliability buffers, which are the subject of Claim 8 and others, were also generally discussed. Potential claim amendments to Claim 23 were discussed, which relate the claimed first and second activities. Claim 23 (and also Claim 17) is amended herein accordingly.

In the Advisory Action Dated June 25, 2007

The Examiner indicates in his comments that the language set forth in an Amendment filed June 15, 2007 (which is withdrawn), which indicated that the first and second activities are mutually exclusive does not comply with 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Examiner asserts that “[t]he claim(s) contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor(s), at the time the application was filed, had possession of the claimed invention.”

Applicants have changed the wording of Claims 23 and 17 to recite instead that “the first activity does not include the second activity and the second activity does not include the first activity.” Applicants submit that there are numerous examples in the specification that describe this arrangement. For example, the specification states, beginning at page 16, line 1:

During the update, at step 118 in which the DPM project plan is generated, the DPM plan processor (74, of FIG. 2) can identify those activities that have similar characteristics to those being updated, and update those similar activities automatically. For example, if an activity “pour concrete” is updated, beginning at step 124, to indicate actual start and finish dates that do not correspond to an initially planned duration, all other activities named “pour concrete” and with similar project plan data can be automatically updated to have the updated duration. The DPM plan processor (74 of FIG. 2) can determine which activities named “pour concrete” are similar to that activity for which new project plan data was directly entered by the user. Similarity is established by a number of criteria, including, but not limited to, the same initially planned duration values. [emphasis added]

Applicants submit that a fair reading of the above-recited specification paragraph, as well as a fair reading of the entire specification, would lead one of ordinary skill in the art to understand that the specification describes only activities that do not include each other. In other

words, summaries of activities, which include a variety of other activities, are not described in the specification. Only individual activities are described in the specification.

In view of the above, Applicants submit that the amended claim language should not result in a rejection under 35 U.S.C. §112, first paragraph.

Referring now to the rejection made in the Final Office Action dated April 24, 2007:

The Rejections under 35 U.S.C. §102(b)

The Examiner rejects Claims 2-4, 6, and 8-23 under 35 U.S.C. §102(b) as being anticipated by Pollalis et al. (U.S. Patent number 5,016,170). Claim 23 is the independent claim from which Claims 2-4, 6, and 8-13, 15, and 16 depend. Thus, Claim 23 is discussed first below. As described above, Claims 12 and 14 were previously canceled.

Applicants submit that amended independent Claim 23 is patentably distinct over Pollalis et al. since the cited reference neither describes nor suggests "... selecting a first activity having a first activity name from among the plurality of activities, wherein the first activity is associated with a first one of the activity pre-structured process models having a first activity characteristics value, wherein the first activity is associated with a first one of the activity relationship pre-structured models having a first activity relationship value; updating at least one of the first activity characteristics value or the first activity relationship value; automatically identifying, in response to the updating, a second activity having a second activity name from among the plurality of activities, wherein the first activity does not include the second activity and the second activity does not include the first activity, wherein the second activity is associated with a second activity pre-structured process model having a second activity characteristics value, wherein the second activity is associated with a second one of the activity relationship pre-structured models having a second activity relationship value, wherein the second activity characteristics value is the same as the first activity characteristics value or the second activity relationship value is the same as the first activity relationship value; and automatically updating.

in response to the updating at least one of the first activity characteristics value or the first activity relationship value, a corresponding at least one of the second activity characteristics value or the second activity relationship value," as set forth in Claim 23.

With this particular arrangement, the present invention provides an automatic identifying and an automatic updating of the claimed second activity based upon updating of the claimed first activity. The second activity does not include the first activity and vice versa. The claimed computer-implemented model is able, upon an update of the claimed first activity by a user, to automatically identify at least one activity (the second activity) that has the same activity characteristics value or the same activity relationship value as the first activity updated by the user. The computer-implemented model is further able to automatically update the second activity in response to updating the first activity. For example, if a user updates a first activity with a name "pour concrete" (an activity characteristics value) to have a longer duration (an updated activity characteristics value), the claimed computer implemented model can automatically identify a second activity named "pour concrete" (an activity characteristics value) and can automatically update the duration of the second activity (an updated activity characteristics value) in response to the user updating the first activity named "pour concrete." With this arrangement, in some embodiments, all activities named "pour concrete" can be automatically identified and automatically updated in response to updating a single first activity named "pour concrete."

This above example is directed to identifying the second activity having the same name (an activity characteristics value) as the first activity, which is updated by the user. However, the claimed computer-implemented model can identify and update a second activity that has any one of a variety of activity characteristics values or any one of a variety of activity relationship values that are the same as the first activity being updated. In the above-described example, the name of the activity is one type of activity characteristics value.

In contrast, Pollalis et al. provides a task management system that provides a graphical view of a project having certain characteristics. For example, in FIG. 5, Pollalis et al. shows tasks as bars arranged by floor in a building. As describe by Pollalis et al. a column 6, lines 3-6, "...bars 80, 82, 86, 88 may represent part of the mechanical and electrical task to be performed by a given work crew on successive floors."

In order to generate a plan as in FIG. 5 of Pollalis et al., the user enters data into a spreadsheet format is in FIG. 6. The spreadsheet can include multiple building floors as in FIG. 9 of Pollalis et al. Upon receiving the user-entered data in a spreadsheet format as in FIG. 9, the system of Pollalis et al. can generates project views in a variety of formats, for example, the formats of FIGS. 5 or 10. The system of Pollalis et al. can display a project plan or part of a project plan at a variety of hierarchical levels, for example at a "folded up" level as in FIGS. 4 and 10, or at a lower level as in FIG. 12. Pollalis et al. fails to describe or suggest automatically identifying and updating a second activity based upon updating a first activity, where the first activity does not include the second activity and the second activity does not include the first activity. Instead, in Pollalis et al., a user manually updates a selected activity. Only a "folded up" activity, which includes the updated activity, can then be automatically updated. Conversely, if a folded up activity is manually updated, Pollalis et al., in some circumstances, allows automatic updating of the activities included within the folded up activity.

At column 10, lines 4-15, Pollalis et al describes updating in an entirely different way than that claimed:

If the user directly alters the alphanumerical data in the spreadsheet in the template, the system automatically changes the visual configuration of the quantified bars in a corresponding fashion. In addition, after changes are introduced to one or more quantified bars in a template, the system automatically adjusts the folded up bar in the template.

A user may alter data in any level of the hierarchy. When changes are introduced at one level of the hierarchy, the corresponding folded up bar is

automatically altered and this information is automatically transferred to all higher levels in the hierarchical system. However, the system cannot automatically transfer changes to lower levels of the hierarchy unless the user defines specific relationships to be followed. For instance, a change in the duration of a task at an intermediate level can be automatically transferred to higher levels in the hierarchical structure since the higher levels encompass a lower level of detail. However, in the absence of prestored relationships, the system cannot translate a change in the duration of the task into a lower level of the hierarchy in which the altered task is broken down into two or more sub tasks. Therefore, the system contains two types of functions to handle the related modification of lower level templates. The user may define standard relationships. An example of such a relationship would be setting a function so that any modification of the duration of a task would be equally spread among all subtasks into which the task is broken down at lower levels. An alternative relationship might be spreading a change in duration of a task proportionately among the subtasks into which the task is broken down at lower levels, based upon the existing relative durations of the subtasks. [emphasis added]

Pollalis et al. describes automatically updating a higher-level “folded up” task upon updating a lower level task included in the folded up task. Pollalis et al. also describes updating all tasks within the folded up task upon updating the folded up task.

Pollalis et al. fails to describe or suggest identifying a second activity having the same activity characteristics value or the same activity relationship value as a first activity, which is being updated, wherein the first activity does not include the second activity and the second activity does not include the first activity, and updating the second activity accordingly.

In view of the above, Applicants submit that Claim 23 is patentably distinct over Pollalis et al.

Claims 2-4, 6, 8, 13, 15, and 16 depend from and thus include the limitations of Claim 23. Thus, Applicants submit that Claims 2-4, 6, 8, 13, 15, and 16 are patentably distinct over the cited reference at least for the reasons discussed above in conjunction with Claim 23.

Applicants submit that amended Claim 2 is further patentably distinct over Pollalis et al., since the cited reference neither describes nor suggests "... providing at least one of the activity characteristics values as an activity reliability value, wherein the activity reliability value is indicative of at least one of a likelihood that an activity from among the plurality of activities achieves a planned duration and schedule, or a likelihood that an output work product of the activity will be of sufficient quality so as not to impact a schedule of downstream activities from among the plurality of activities," as set forth in Claim 2. Support for the claimed activity reliability value can be found, for example, at page 11, line 28 to page 12, line 5.

Applicants submit that amended Claim 3 is further patentably distinct over Pollalis et al., since the cited reference neither describes nor suggests "...providing at least one of the activity characteristics values as a production type value, wherein the production type value is indicative of a speed of an activity from among the plurality of activities in relation to a normal production rate for the activity...," as set forth in Claim 3. Support for the claimed production type value can be found, for example, at page 12, lines 7-14.

Applicants submit that amended Claim 6 is further patentably distinct over Pollalis et al., since the cited reference neither describes nor suggests "...associating a policy value with at least one of the selected activities and with a respective at least one of the activity pre-structured process models, wherein the policy value is representative of at least one of a manpower availability versus time value, an overtime and flexibility of worker headcount control value, a thoroughness of quality control value, a hiring time control value, or a request for information (RFI) time control value," as set forth in Claim 6. Support for the claimed policy value can be found, for example, at page 12, line 28 to page 13, line 4.

Applicants submit that Claim 8 is further patentably distinct over Pollalis et al., since the cited reference neither describes nor suggests "...at least one of the time precedence relationships and a corresponding at least one of the activity relationship pre-structured models includes a reliability buffer extending prior to a start time of a downstream one of the plurality of activities

and coupled to an upstream one of the plurality of activities...," as set forth in Claim 8. The claimed *reliability buffer* is given particular meaning in the specification, for example, at page 11, lines 1-10, where U.S. Patent Application No. 10/068,087 is incorporated by reference in its entirety, and at page 25, lines 1-8. U.S. Patent Application No. 10/068,087, which Applicants believe is in condition for allowance at the UPSTO, describes the claimed reliability buffers in detail. In the Advisory Action, the Examiner apparently concludes that Pollalis et al. does not teach the claimed reliability buffers.

For reasons described above in conjunction with Claim 8, Applicants submit that Claim 9 is further patentably distinct over Pollalis et al., since the cited reference neither describes nor suggests "...the at least one of the time precedence relationships is indicative of a relationship between the end of the upstream activity and the start of *the reliability buffer*," as set forth in Claim 9.

For reasons described above in conjunction with Claim 8, Applicants submit that Claim 10 is further patentably distinct over Pollalis et al., since the cited reference neither describes nor suggests "...wherein *the reliability buffer* is associated with a corresponding one of the activity relationship values," as set forth in Claim 10.

Applicants submit that amended Claim 11 is further patentably distinct over Pollalis et al., since the cited reference neither describes nor suggests "...*associating a policy value with at least one of the time precedence relationships and with a respective at least one of the activity relationship pre-structured models, wherein the policy value is indicative of a buffering policy*," as set forth in Claim 11. Support for the claimed *policy value* can be found, for example, at page 12, line 28 to page 13, line 4.

For reasons described above in conjunction with Claim 8, Applicants submit that Claim 13 is further patentably distinct over Pollalis et al., since the cited reference neither describes nor suggests "...*automatically updating a reliability buffer* extending prior to a start time of the

second activity, wherein the updated reliability buffer has at least one of an updated duration value, an updated upstream time precedence relationship value between the updated reliability buffer and an upstream activity, or an updated downstream time precedence relationship between the updated reliability buffer and the second activity," as set forth in Claim 13.

For reasons described above in conjunction with Claims 8 and 23, Applicants submit that Claim 15 is further patentably distinct over Pollalis et al., since the cited reference neither describes nor suggests "...structuring the first activity relationship pre-structured model with a first reliability buffer having the first activity relationship value, wherein the first reliability buffer is associated with a start time of the first activity; structuring the second activity relationship pre-structured model with a second reliability buffer having the second activity relationship value, wherein the second reliability buffer is associated with a start time of the second activity; and automatically updating the second activity relationship value in response to the updating the first activity relationship value," as set forth in Claim 15. **Applicants submit that Pollalis et al. does not describe updating of activity relationship values at all.** **Applicants have added new Claims 24-27 directed to this aspect.**

For reasons described above in conjunction with Claim 23, Applicants submit that amended independent Claim 17 is patentably distinct over Pollalis et al., since the cited reference neither describes nor suggests "...a DPM processor coupled to the DPM data processor to process the activity data, wherein the DPM processor is adapted to automatically update second activity data from among the activity data in response to an update of first activity data from among the activity data, wherein the first and second activity data are associate with first and second activities, respectively, wherein the first activity does not include the second activity and the second activity does not include the first activity," as set forth in Claim 17.

Claims 18-22 depend from and thus include the limitations of Claim 17. Thus, Applicants submit that Claims 18-22 are patentably distinct over the cited reference at least for the reasons discussed above in conjunction with Claim 17.

For reasons described above in conjunction with Claims 6 and 11, Applicants submit that amended Claim 19 is further patentably distinct over Pollalis et al., since the cited reference neither describes nor suggests “...a DPM policy data processor that provides the policy data, wherein the policy data is indicative of at least one of a manpower availability versus time value, an overtime and flexibility of worker headcount control value, a thoroughness of quality control value, a hiring time control value, a request for information (RFI) time control value, or a buffering policy...,” as set forth in Claim 19.

Applicants submit that amended Claim 21 is further patentably distinct over Pollalis et al., since the cited reference neither describes nor suggests “...the DPM activity data processor includes a dependency structure matrix GUI for entry of at least one of the activity characteristics data or the activity relationship data, wherein the dependency structure matrix includes a vertical axis that lists the plurality of activities and a horizontal axis that lists the plurality of activities,” as set forth in Claim 21. Support for the claimed dependency structure matrix GUI can be found, for example, in conjunction with FIG. 5 and associated text beginning on page 16.

In view of the above, Applicants submit that the rejection of Claims 2-4, 6, and 8-23 under 35 U.S.C. §102(b) should be removed.

The Claim Objections

The Examiner objects to Claim 5 as being dependent upon a rejected base claim, but indicates that Claim 5 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

For the above reasons, Applicants submit that independent Claim 23, from which Claim 5 depends, is patentably distinct over the cited references. Therefore, Applicants submit that Claim 5 is allowable in its present dependent form.

Claims 24-27 are new in the application. Consideration of new Claims 24 –27 is respectfully requested.

In view of the above amendments and remarks, Applicants submit that the claims and the entire case are in condition for allowance and should be sent to issue and such action is respectfully requested.

The Examiner is respectfully invited to telephone the undersigning attorney if there are any questions regarding this Response or this application.

The Assistant Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 500845, including but not limited to, any charges for extensions of time under 37 C.F.R. §1.136.

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Respectfully submitted,

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